

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10401 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

RAMANBHAI S CHAMAR

Appearance:

MR HARDIK C RAWAL for Petitioner

MR BG JANI for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 08/12/98

ORAL JUDGEMENT

Rule. Learned Counsel Mr.B.G.Jani waives the service of Rule on behalf of the respondent.

2. The respondent workman, a Conductor, on a domestic inquiry, was found guilty of misconduct and as such, a penalty of dismissal was inflicted. On appeal,

the punishment of dismissal was substituted by stoppage of five increments with cumulative effect. The petitioner further preferred a second appeal wherein the punishment was reduced to stoppage of two increments with cumulative effect. Still the respondent workman raised an industrial dispute which culminated in a Reference to the Industrial Tribunal. The Industrial Tribunal modified the penalty imposed by the second appellate authority and further reduced the stoppage of two increments simpliciter.

3. It is contended by Mr.Raval, learned Counsel appearing for the petitioner Corporation that the Industrial Tribunal has committed error in interfering with the penalty substituted by the second appellate authority. On the other hand, Mr.Jani appearing for the respondent workman submits that the authority has given detailed reasons for reducing the penalty to stoppage of two increments. It is also submitted that the charges proved against the respondent workman is of technical nature.

4. I have considered the rival contentions. In my view, the second appellate authority has taken a lenient view of the matter and it was further not necessary for the Industrial Tribunal to interfere with the punishment. The stoppage of two increments with cumulative effect inflicted by the second appellate authority cannot be said to be disproportionate to the guilt of the respondent workman.

5. In view of the aforesaid, this Special Civil Application is partly allowed and the order of the Industrial Tribunal dated 20th August 1989 is modified to the extent that the punishment shall stand substituted by stoppage of one increment with cumulative effect. Rule is made absolute to the aforesaid extent. No order as to costs.

sreeram